

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN KING, JR.,

Plaintiff,

v.

CALIFORNIA MEDICAL FACILITY,

Defendant.

No. C 09-2405 JSW (PR)

**ORDER OF DISMISSAL AS  
FILED IN ERROR; NO FEE IS  
DUE**

Plaintiff, a California prisoner, filed a letter with the Court, which the Clerk construed as a pro se civil rights action under 42 U.S.C § 1983. Plaintiff was sent a complaint and a motion to proceed *in forma pauperis* by the Clerk and informed that he must file such documents within thirty days and that his failure to do so would result in dismissal of this action. Plaintiff promptly responded to the Court's information by notifying the Court that he was not seeking to file a complaint, stating that he "decline[s] to file a civil action." In light of Plaintiff's prompt response to the Court, it appears that this action was opened in error and is now DISMISSED. As a result, no filing fee is due. The Clerk shall close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: October 14, 2009



JEFFREY S. WHITE  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 JOHN KING,

6 Plaintiff,

7 v.

8 CALIFORNIA MEDICAL FACILITY

9 Defendant.  
10 \_\_\_\_\_/

Case Number: CV09-02405 JSW


**CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on October 14, 2009, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 John King  
18 California Medical Facility  
19 P.O. Box  
P32616  
Vacaville, CA 95696

20 Dated: October 14, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk